

Message Text

PAGE 01 GENEVA 03509 111940Z

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ACTION L-03

INFO OCT-01 IO-13 ADP-00 COA-02 EB-11 OIC-04 JUSE-00 INT-08

COME-00 DOTE-00 NSF-04 OMB-01 TRSE-00 AGR-20 ACDA-19

AEC-11 CG-00 FMC-04 CEQ-02 EPA-04 CIAE-00 DODE-00

PM-07 H-02 INR-10 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01

SS-15 USIA-12 AF-10 ARA-16 EA-11 EUR-25 NEA-10 SCI-06

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SUBJ LOS:SEABED COMMITTEE MEETING, SUBCMTE II,
WORKING GROUP, JULY 10, 1973 AFTERNOON SESSION

1. SUMMARY. WORKING GROUP (WG) CONTINUED STRUCTURED DEBATE ON CONTINENTAL SHELF AND ECONOMIC ZONE. QUESTION AROSE AS TO WHETHER CONTINENTAL SHELF RIGHTS SHOULD EXTEND BEYOND ANY FIXED LIMIT FOR SEABED.

2. SINGAPORE BELIEVES THAT CONTINENTAL SHELF CONVENTION SHOULD BE BURIED AT LOS CONFERENCE. IN ANY CASE EXTENT OF ACQUIRED RIGHTS UNDER CONVENTION WAS LIMITED BY ADJACENCY CRITERION AND FACT THAT EXPLOITABILITY THEREUNDER CONTEMPLATED ACTUAL EXPLOITATION OR PRESENT ABILITY TO EXPLOIT. INSOFAR AS CUSTOMARY LAW STATUS OF CONVENTION WAS CONCERNED, EXPANSIVE INTERPRETATION WAS INCOMPATIBLE WITH COMMON HERITAGE OF MANKIND. INTERNATIONAL AUTHORITY SHOULD NOT BE CONFINED TO EXPLOITATION OF MANGANESE NODULES. HE NOTED THAT 87 PERCENT OF HYDROCARBON WOULD UNCLASSIFIED

PAGE 02 GENEVA 03509 111940Z

BE WITHIN NATIONAL JURISDICTION UNDER 200 MILE CRITERION.HE COMMENDED CANADIAN PROPOSAL FOR SHARING ONE PERCENT OF OFFSHORE REVENUES WITH INTERNATIONAL COMMUNITY. HE REMINDED DELEGATES OF "SEVEN POWER" PROPOSAL FOR 40 MILE OR 200 METER LIMIT.

3. ARGENTINA STRESSED THAT CONTINENTAL SHELF DOCTRINE WITH COASTAL STATE JURISDICTION EXTENDING TO OUTER MARGIN WAS REFLECTED IN LEGISLATION OF MANY COUNTRIES AND HAD BEEN DECLARED TO HAVE CUSTOMARY LAW STATUS IN NORTH SEA CONTINENTAL SHELF CASES. ARGENTINA AGREED WITH ESTABLISHMENT OF INTERNATIONAL AREA TO BENEFIT MANKIND BUT STATED CATEGORICALLY THAT IT COULD NOT BE DONE AT EXPENSE OF ACQUIRED RIGHTS OF COASTAL STATES.

4. UNITED KINGDOM JACKLING SUGGESTED THAT DELEGATES MIGHT RECONSIDER INTERMEDIATE ZONE CONCEPT IN LIGHT OF DIFFERENCES BETWEEN STATES. IT SAW ADVANTAGE IN CREATION OF AREA WHERE INTERESTS WERE SHARED BETWEEN COASTAL STATES AND INTERNATIONAL COMMUNITY. UK REPRESENTATIVE INDICATED THAT REVENUES WOULD ACCRUE TO INTERNATIONAL COMMUNITY FAR SOONER UNDER INTERMEDIATE ZONE APPROACH THAN IF SINGLE BROAD LIMIT AGREED UPON. RESOURCES BETWEEN 200 METERS AND EDGE OF CONTINENTAL MARGIN COULD BE CONSIDERABLE AND REVENUE SHARING WAS SUPPORTED IN PRINCIPLE BY UK FOR THIS REGION.

5. NETHERLANDS (RIPHAGEN) WAS OPPOSED TO EXPLOITABILITY CRITERION AND FAVORED FIXED LIMIT PROVIDING GREATEST POSSIBLE AREA UNDER INTERNATIONAL AUTHORITY. CONSTANT ENLARGEMENT OF CONTINENTAL SHELF RIGHTS WOULD INCREASE GAP BETWEEN GEOGRAPHICALLY DISADVANTAGED AND ADVANTAGED STATES. REP NOTED NON-TERRITORIAL CHARACTER OF RESOURCE RIGHTS AND SUGGESTED THAT ADMINISTRATION OF CONCESSIONS BEYOND 200 METERS COULD BE TRANSFERRED TO INTERNATIONAL AUTHORITY. FEW WOULD BENEFIT FROM 200-MILE EXCLUSIVE ECONOMIC ZONE. EVEN IF 200 MILE LIMIT WERE ADOPTED, SOME COMPENSATION WOULD HAVE TO BE MADE FOR GEOGRAPHICALLY DISADVANTAGED STATES. SUCH STATES WANTED TO EXPLOIT AND TO HAVE ACCESS TO RESOURCES AND NOT JUST TO SHARE REVENUES FROM THEM.

6. DENMARK DESIRED COMBINED DEPTH AND DISTANCE OF 200 MILES CRITERION FOR CONTINENTAL SHELF. THEY FAVORED FORMULA TO PRESERVE EXISTING RIGHTS BUT FELT SANTO DOMINGO ARTICLES WENT TOO FAR IN INCLUDING CONTINENTAL RISE. THEY FELT COASTAL STATES HAD RIGHT TO REGULATE SCIENTIFIC RESEARCH BUT THAT REQUESTS SHOULD BE GRANTED

PAGE 03 GENEVA 03509 111940Z

QUICKLY SO LONG AS COASTAL STATE WAS ALLOWED TO PARTICIPATE AND DATA WAS PUBLISHED.

7. LIBERIA FAVORED DISTANCE CRITERION OF 200 MILES FOR SEABEDS WITH APPROPRIATE MODIFICATIONS. REP EXPRESSED DISSATISFACTION WITH ACQUIRED RIGHTS UNDER CONTINENTAL SHELF DOCTRINE AND VIEWED COMMON HERITAGE CONCEPT AS PREEMPTORY NORM WHICH ADMITTED OF NO DEROGATION.

8. GHANA POINTED OUT THAT FEW AFRICANS HAD PARTICIPATED IN FORMULATION OF 1958 CONVENTIONS. FISHERY RESOURCES WERE BEING EXPLOITED BY DISTANT WATER FISHING STATES AND COASTAL STATES SHOULD TAKE ACTION TO PROTECT FISHERY RESOURCES FOR BENEFIT OF

OWN PEOPLE.

9. BOLIVIA BELIEVED COMMON HERITAGE MEANT ALL COUNTRIES SHOULD BE ABLE TO EXPLOIT RICHES OF SEA. INTERESTS OF LAND-LOCKED STATES MUST BE CONSIDERED IN FORMULATING EXCLUSIVE ECONOMIC ZONE APPROACH.

10. URUGUAY FELT UNEQUAL TREATMENT OF STATES WAS DUE TO INHERENT INEQUALITY IN GEOGRAPHY CAUSED BY NATURE. REP FAVORED APPLICATION OF CONTINENTAL SHELF DOCTRINE TO AREA BEYOND 200 MILES ON BASIS OF ACQUIRED RIGHTS OF STATES AND NEED FOR EXCEPTIONAL TREATMENT FOR EXCEPTIONAL CIRCUMSTANCES.

11. MALTA EXPRESSED DISAPPOINTMENT WITH WORK PROCESSES AND FELT STATES WERE REPEATING WELL-KNOWN POSITIONS. REP URGED CHAIRMAN TO INTENSIFY EFFORTS TO DRAFT ARTICLES.

12. AUSTRALIAN REP POINTED OUT THAT 10 AFRICAN STATES WERE PARTIES TO CONTINENTAL SHELF CONVENTION AND MANY STATES HAD UNDERTAKEN ACTIVITIES PURSUANT TO IT. IN GOOD FAITH RELIANCE, STATES HAD UNDERTAKEN OFFSHORE DEVELOPMENT AND MADE INVESTMENTS. AUSTRALIA FAVORED PROVISION FOR EXCEPTIONAL CASES (E.G. CONTINENTAL MARGIN) WHERE SIMPLE RULES OF THUMB SUCH AS DISTANCE CRITERION, WERE INADEQUATE.

13. KENYAN REP FELT 200 MILE LIMIT WAS EQUITABLE. IN UNUSUAL CIRCUMSTANCES SUCH AS DETACHED SHELF OF UNCLASSIFIED

PAGE 04 GENEVA 03509 111940Z

MAURITIUS BEYOND 200 MILES, A SPECIAL RULE COULD BE APPLIED.

14. PERU ASSERTED THAT HIGH SEAS CONVENTION WAS RATIFIED BY MINORITY OF COUNTRIES AND THAT 200 MILE CRITERION WAS PART OF INEVITABLE TREND. FIGURE DID NOT DEROGATE FROM A REGIONAL SOLUTION FOR GEOGRAPHICALLY DISADVANTAGED STATES.

15. JAMAICAN REP WAS NOT WEDDED TO PRECISE LIMITS AT THIS TIME BUT FELT SOME CONSIDERATION MIGHT BE GIVEN TO SPECIAL CASES BEYOND UNIFORM LIMIT. IN SUCH AN AREA, COASTAL STATES MIGHT HAVE TO ACCOUNT TO INTERNATIONAL COMMUNITY FOR WHAT WAS DONE THERE.

16. FRANCE FELT THAT INDEFINITE EXTENSION OF SHELF WAS INCOMPATIBLE WITH COMMON HERITAGE. FRENCH FAVORED DISTANCE CRITERION OF 200 MILES FOR SEABEDS BECAUSE OF CERTITUDE AND FAIRNESS TO STATES WITH SMALL SHELVES. SHELF CONVENTION OF 1958 HAD CREATED INHERENT RIGHTS WHICH MUST BE PRESERVED.

17. CHAIRMAN CLOSED MEETING WITH STATEMENT ON APPROPRIATENESS OF WG PROCEEDING IN STRUCTURED DISCUSSION

MANNER ALREADY UNDERWAY. HE STRESSED NEED FOR DEVELOPMENT OF
POLITICAL WILL FOR SUCCESS. CANADIAN REP WELCOMED BAHAMAS AS
"NEW ARCHIPELAGO STATE". UK JOINED IN WELCOMING BAHAMAS TO
FAMILY OF NATIONS.BASSIN

UNCLASSIFIED

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